

Temporary Outdoor Dining Regulations

Section 1: General

- A. Outdoor dining is permitted on public and/or private property as an accessory use to a restaurant that has indoor seating.
- B. The hours for outdoor dining shall not be earlier or later than the restaurant's hours of operation as specified in the governing Conditional Use Permit.
- C. The location of all furniture, fixtures and facilities associated with outdoor dining shall be such that a continuous four (4) feet pedestrian access route (PAR) for use by the public passing through or around the area shall always be maintained.
- D. The permittee, at its own expense and cost, shall keep the outdoor dining area in a neat and clean condition, free from nuisance, debris, litter and filth and provide for the prompt removal of snow, ice, trash and waste therefrom.
- E. The Temporary Outdoor Dining Regulations shall be effective between May 20, 2020, and December 31, 2020.

Section 2: Location

- A. If located on a public sidewalk, a private walkway, or private parking lot adjacent to the business and used by the public, an unobstructed four feet (4) pedestrian access route (PAR) for use by the public passing through or around the area must always be maintained.

Additional sidewalk clearance shall be required where pedestrian traffic or other circumstances warrant as determined by the Director of Public Works.

- B. If located on a public sidewalk, all outdoor dining furniture must allow access to and be separated from public elements as follows:
 - 1. Two (2) feet minimum separation from the edge of curb, street trees, streetlights, fire hydrants, Fire Department connections, mailboxes, benches, bicycle racks, and other similar fixtures always, and from parking meters when they are in effect.
 - 2. Five (5) feet minimum separation from the edge of driveways, alleys, and accessibility ramps.

3. Outdoor dining shall not be located underneath a fire escape, stairwell, or balcony, and shall not block established public utility points of access (i.e. manholes, hand holes, traffic signal cabinets, etc.).

4. Restaurants may extend beyond their property boundary with written permission from adjacent property owners. The written permission is to be included with the application.

C. If located on an adjacent private parking lot, all outdoor dining furniture must allow access to and be separated from public elements as follows:

2. Two (2) feet minimum separation from the edge of curb, street trees, streetlights, fire hydrants, Fire Department connections, mailboxes, benches, bicycle racks, and other similar fixtures always, and from parking meters when they are in effect.

2. Five (5) feet minimum separation from the edge of driveways, alleys, and accessibility ramps.

3. The use of a private parking lot for outdoor dining may not impact any business' required parking outlined in their conditional use permit (CUP) or cause non-compliance with Article XXV of the Zoning Regulations (Off-Street Parking and Loading Requirements).

D. The outdoor dining area may be located within the same block with the written permission of the owner of the property where the dining is to take place.

Section 3: Furniture

A. Only tables, chairs, umbrellas, approved heaters and pedestrian barriers shall be permitted in the public right-of-way.

B. Outdoor dining furniture must be maintained in a good state of repair and cleanliness.

C. Outdoor dining may be separated from the right-of-way by a minimum 30-inch-tall pedestrian barrier (railing, fence or planters). Pedestrian barriers must be sturdy and stable, and must have sufficient weight so that they cannot tip or be blown over. Pedestrian barriers shall not be affixed to public property and shall be maintained so as not to stain/discolor the sidewalk

D. Advertising on umbrellas is permitted provided the product being advertised is sold by the restaurant.

E. Restaurants without outdoor table service must provide a sufficient number of refuse containers readily accessible to patrons.

F. Outdoor heaters must be reviewed and approved by the Fire Department prior to use.

G. Advertising devices shall not be attached to public fixtures in the public right-of-way including but not limited to street trees, streetlights, sign poles, traffic signals, and parking meters. Section 4: Outdoor Dining Permit

A. All restaurants having outdoor dining on private and/or public property must apply for and receive an Outdoor Dining Permit prior to starting outdoor dining.

B. Applications shall be filed via email with the Department of Planning at kcraford@claytonmo.gov. Upon review for compliance with these standards by the Department of Planning, a permit shall be issued or denied by the Director of the Department of Planning. The Director may defer ruling and refer the application to the Architectural Review Board if the Director believes it would be appropriate to do so. The Director's final action to grant or deny an Outdoor Dining Permit may be appealed to the Architectural Review Board by an aggrieved party by filing a written notice of appeal to the Board with the Department of Planning within 15 days of the Director's decision. The Board shall review the application independently as if the application was originally filed with the Board. If any part of outdoor dining is located on public property, the permittee shall provide and maintain, at his/her sole cost, liability insurance satisfying the requirements set out in Section 510.090 of this Code of Ordinances covering any injury or damage said to be occasioned by or in any way arising from or associated with outdoor dining. The insurance shall name the City of Clayton as an additional insured and must be maintained in full force and effect so long as the permit is outstanding.